

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ALONZO AUSTIN,	)	
Executor for Ruth H. Lewis, Estate,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO: 3"07-cv-138-MHT
	)	
MODERN WOODMEN OF	)	
AMERICA, et al.	)	
	)	
Defendants.	)	

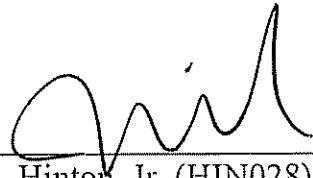
**MOTION TO DISMISS OF THE ENTITY**  
**IDENTIFIED AS "MASON MANOR"**

Comes now defendant identified in the Complaint as "Mason Manor" and respectfully requests that this Honorable Court dismiss this action against it. As grounds therefore, this defendant states as follows:

1. There has been insufficient service of process in order to invoke personal jurisdiction over the entity described as Mason Manor;
2. Any applicable statute of limitation to the causes of action which might have been reasonably articulated by plaintiff bar plaintiff's claims;
3. The complaint fails to state a claim upon which relief can be granted;
4. The entity described as "Mason Manor" is not a legal entity capable of being sued;
5. The entity described as "Mason Manor" (to the extent it does exist or has existed as a legal entity) is defunct and out of business;

6. This defendant adopts the rationale articulated by the pleadings filed on behalf of Regions Bank, Wachovia Bank, Modern Woodmen of America, Aetna Insurance Company and the State of Alabama Office of State Treasurer as if set out herein in full to the extent applicable to this defendant.

WHEREFORE PREMISES CONSIDERED, the defendant identified in the complaint as "Mason Manor" respectfully requests that this Honorable Court dismiss it from this action.



Jack B. Hinton, Jr. (HIN028)  
Attorney for Defendant "Mason Manor"

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 30<sup>th</sup> day of March, 2007, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. If the party does not participate in Notice of Electronic Filing, a copy of same has been put in the U.S. First Class Mail:

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A handwritten signature in black ink, appearing to read "J. Hinton", written over a horizontal line.

Jack B. Hinton, Jr.